

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

**ONE WEST OWNERS ASSOCIATION, a
Washington nonprofit corporation,**

Plaintiff

V.

ALLSTATE INSURANCE COMPANY, an Illinois corporation,

Defendant.

NO. 2:16-cv-00225-RSM

**STIPULATED MOTION TO CONTINUE
DEADLINE TO COMPLETE DISCOVERY**

STIPULATED MOTION

Come now, the Parties to the above-entitled action, by and through their respective counsel, and stipulate to this Motion for a continuance of the amended deadline for the completion of discovery. The extension of the discovery cutoff date will not change any other dates or events contained in the Order Setting Trial Date and Related Dates. (*See* Dkt. #15).

Currently, the amended discovery cutoff is set for June 5, 2017. The parties jointly stipulate to a continuance of the deadline to complete discovery to June 30, 2017 in order to provide counsel additional time to complete depositions, written discovery, and to resolve, if necessary, any discovery disputes that may arise between the parties; hopefully with minimal court intervention.

	Current Deadline	Proposed Deadline
Discovery Cutoff Date	June 5, 2017	June 30, 2017

Pursuant to LR 16(b)(5) a scheduling Order may be modified “only for good cause and with the judge’s consent.” Here the parties agree that good cause exists to extend the discovery cutoff date to June 30, 2017.

1 The parties in this matter have diligently pursued discovery and worked toward
2 resolution of the case. Both Allstate Insurance Company (“Allstate”) and the One West Owners’
3 Association (the “Association”) have propounded discovery. The Association has responded to
4 Allstate’s discovery requests. Allstate has not yet responded to the Association’s requests, but
5 has informed counsel that it intends to respond no later than May 10, 2017.¹

6 On May 2, 2017, the parties engaged in mediation, but were unfortunately unable to
7 resolve this matter. Moving forward, the parties seek to conduct depositions, finish depositions
8 and if necessary resolve any discovery disputes that may arise between the parties. Thus far, the
9 parties have conducted several depositions, including:

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- 11 ■ The Association’s Expert Consultant, Kris Eggert;
- 12 ■ The Association’s Fed.R.Civ.P. 30(b)(6);
- 13 ■ The Association’s Property Manager (Venita Longley);
- 14 ■ Mark Schaefer, Allstate disclosed expert witness.

15 The depositions of both Mark Schaefer and the Association’s Fed.R.Civ.P. 30(b)(6) are
16 incomplete and will require further deposition testimony. The parties also intend to conduct
17 additional depositions, including but not limited to the following:

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- 19 ■ Carol Tatman, Allstate’s Fed.R.Civ.P. 30(b)(6);
- 20 ■ Brian Johnson, the Association’s Cost Estimator;
- 21 ■ Barry Goodell, Allstate’s Rebuttal Expert;
- 22 ■ Donald Schellberg, Allstate’s Expert;
- 23 ■ Don Patton, Association Member and Past President
- 24 ■ J. Kay Thorne, Association’s Insurance Expert

25 The Allstate 30(b)(6) deposition was set for May 10, 2017. However, Allstate recently
26 served objections to the proposed categories within the deposition notice and Allstate has yet to
27 answer the Association’s discovery. Currently the parties are trying to reach an amicable
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1 Allstate’s counsel elected to hold off on responding to the Association’s written discovery until
2 after the mediation date. Plaintiff’s counsel reserves the right to file a motion to compel if
3 Allstate does not substantially respond to the Association’s discovery requests. Additionally, the
4 parties have so far been unable to agree whether or not it is appropriate for Allstate to redact two
5 documents in its claim file or whether it will be necessary for an *in camera* review pursuant to
6 *Cedell v. Farmers Ins. Co.*, 176 Wn.2d 686, 295 P.3d 239 (2013).

1 resolution of these issues without Court intervention. The parties are negotiating a new date for
2 the Allstate 30(b)(6) deposition.

3 Furthermore, substantive rebuttal opinions of experts Goodell and Schellberg were
4 recently disclosed by Allstate on April 17, 2017,² with supplemental rebuttal opinions disclosed
5 on April 27, 2017. As these opinions are substantive and form the basis of a recent motion to
6 exclude the Association's expert, Kris Eggert, the Association requires additional time to
7 schedule and take these depositions.

8 Finally, Plaintiff's counsel is preparing for an upcoming trial (*Eagle Harbour*
9 *Condominium Association v. Allstate Insurance Company, et al.*) which is set to begin on May
10 22, 2017³ and is estimated to take approximately seven days. Due to scheduling concerns
11 around the time of trial, Plaintiff's counsel will have limited scheduling ability to take the
12 depositions necessary in this matter during the current discovery period.
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14 Respectfully submitted this 8th day of May, 2017.

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25 ² Allstate recently filed a motion to exclude the Association's expert consultant, Kris Eggert.
26 Dkt. #19. This motion is based on assertions supported by Mr. Goodell and Mr. Schellberg in
27 rebuttal reports. As a result, the Association must depose both Mr. Schellberg and Mr. Goodell in
28 opposing Allstate's Motion.

³ The cause number for the *Eagle Harbour* matter is 3:15-cv-05312-RBL.

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ORDER

Based on the above stipulation, IT IS SO ORDERED that the deadline to complete discovery is continued from June 5, 2017 to June 30, 2017. No other deadlines or events are altered.

DATED THIS 8th day of May, 2017.


RICARDO S. MARTINEZ
Chief UNITED STATES DISTRICT JUDGE